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# LEAGUE of NATIONS

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April, 1919

## JOINT DEBATE ON THE COVENANT OF PARIS

HENRY CABOT LODGE,

*United States Senator from Massachusetts,  
Chairman-designate of the Senate Committee  
on Foreign Relations*

A. LAWRENCE LOWELL,

*President of Harvard University,  
Chairman of the Executive Committees of World Peace  
Foundation and League to Enforce Peace*

SYMPHONY HALL, BOSTON

March 19, 1919

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The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force cannot at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

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# JOINT DEBATE ON THE COVENANT OF PARIS

HELD AT SYMPHONY HALL, BOSTON, MARCH 19, 1919, HIS  
EXCELLENCY CALVIN COOLIDGE, GOVERNOR OF  
MASSACHUSETTS, PRESIDING.

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## THE PRESIDING OFFICER

We meet here as representatives of a great people to listen to the discussion of a great question by great men. All America has but one desire, the security of the peace by facts and by parchment which her brave sons have wrought by the sword. It is a duty we owe alike to the living and the dead.

Fortunate is Massachusetts that she has among her sons two men so eminently trained for the task of our enlightenment, a senior Senator of the Commonwealth and the President of a university established in her Constitution.

Wherever statesmen gather, wherever men love letters, this day's discussion will be read and pondered. Of these men, great in learning and experience, wise in the science and practice of government, the first to address you is a Senator distinguished at home and famous everywhere—Henry Cabot Lodge.

## HENRY CABOT LODGE

YOUR EXCELLENCY, LADIES AND GENTLEMEN, MY FELLOW AMERICANS:

I am largely indebted to President Lowell for this opportunity to address this great audience. He and I are friends of many years, both Republicans. He is the President of our great university, one of the most important and influential places in the United States. He is also an eminent student and historian of politics and government. He and I may differ as to methods in

this great question now before the people, but I am sure that in regard to the security of the peace of the world and the welfare of the United States we do not differ in purpose.

I am going to say a single word, if you will permit me, as to my own position. I have tried to state it over and over again. I thought I had stated it in plain English. But there are those who find in misrepresentation a convenient weapon for controversy, and there are others, most excellent people, who perhaps have not seen what I have said and who possibly have misunderstood me.

It has been said that I am against a League of Nations. I am not; far from it. I am anxious to have the nations, the free nations of the world, united in a league, as we call it, a society, as the French call it, but united, to do all that can be done to secure the future peace of the world and to bring about a general disarmament.

#### EARLY SPEECHES IN FAVOR OF LEAGUE

I have also been charged with inconsistency. In the autumn of 1914, Theodore Roosevelt made a speech in which he brought forward the idea of a League of Nations for the prevention of future wars. In the following June, of 1915, speaking at Union College in New York on Commencement, I took up the same idea and discussed the establishment of a League of Nations backed by force. I spoke of it only in general terms. I spoke again in favor of it in the following winter before the meeting of the League to Enforce Peace.

But the more I reflected upon it and the more I studied it the more difficult the problem appeared to me. It became very clear to me that in trying to do too much we might lose all; that there were many obstacles and many dangers in the way; and that it would require the greatest skill and self-restraint on the part of the nations to make any league that would really promote and strengthen and make more secure the peace of the world.

In January, 1917, the President of the United States brought forward a plan for a League to Enforce Peace in an address to the Senate, and I discussed it at some length, showing the dangers

of the proposition and the perils which it would bring, not only to peace but to the United States.

During all this time, I may say, I was in consultation or I was talking with Theodore Roosevelt in regard to it. His position and mine did not then differ.

On December 21 I made a speech in the Senate in which I discussed the 14 points and some of the momentous questions raised by the proposition for a League of Nations.

#### ROOSEVELT GAVE ATTITUDE FULL APPROVAL

Colonel Roosevelt wrote an article in the *Kansas City Star* upon that speech, approving it and commending it. I read a single paragraph from it:

Our need is not as great as that of the vast scattered British Empire, for our domains are pretty much in a ring fence. We ought not to undertake the task of policing Europe, Asia and Northern Africa; neither ought we to permit any interference with the Monroe doctrine, or any attempt by Europe or Asia to police America. Mexico is our Balkan Peninsula. Some day we will have to deal with it. All the coasts and islands which in any way approach the Panama Canal must be dealt with by this nation, and by this nation in accordance with the Monroe doctrine.

On January 3 of the present year—the Friday before his death—he dictated another editorial which appeared in the *Kansas City Star* after his death. I wish time would permit me to read it all, but I will read only one paragraph:

. . . Let each nation reserve to itself and for its own decision, and let it clearly set forth, questions which are nonjusticiable. . . . Finally, make it perfectly clear that we do not intend to take a position of an international Meddlesome Mattie. The American people do not wish to go into an overseas war unless for a very great cause, and where the issue is absolutely plain. Therefore, we do not wish to undertake the responsibility of sending our gallant young men to die in obscure fights in the Balkans or in Central Europe, or in a war we do not approve of. Moreover, the American people do not intend to give up the Monroe doctrine. Let civilized Europe and Asia introduce some kind of police system in

the weak and disorderly countries at their thresholds. But let the United States treat Mexico as our Balkan Peninsula and refuse to allow European or Asiatic powers to interfere on this continent in any way that implies permanent or semi-permanent possession. Every one of our Allies will with delight grant this request if President Wilson chooses to make it, and it will be a great misfortune if it is not made.

Two weeks before his death I was with Theodore Roosevelt for some hours, seeing him for two mornings in succession. The draft now before the country was not then before us, but we discussed fully the League of Nations in all its bearings. We were in entire agreement.

The position that I have taken, and now take, had his full approval. The line I have followed in the Senate and elsewhere was the one he wished to have followed. I do not say this to transfer any responsibility from my shoulders to his. All I do and all I say is on my own responsibility alone. But it is a help and a strength to me to feel that I have behind me the approval, the support of the great American, the great patriot, the great man whose death has been such a grievous loss, not only to the United States, but to the entire world in this hour.

#### TAKES UP ALLEGED INCONSISTENCY

Now, just a word in regard to inconsistency. I do not think I have been inconsistent, but it does not matter whether I have or not. Individual inconsistencies have no relation to the merits of any question. If nobody ever changed their minds, it would be a stagnant world. The only difficulty comes, as it comes with many habits, harmless in moderation, but dangerous in excess.

When inconsistencies become excessive they are apt to suggest self-seeking and insincerity or lack of real conviction. I think it is hardly worth while to discuss inconsistencies. No one can tell where the discussion may lead.

On May 6, 1914, at the unveiling of the Barry monument in Washington, President Wilson said:

There are just as vital things stirring now that concern the existence of the nation as were stirring then, and every man who worthily stands in this presence should examine himself and see whether he has the full conception of what it means that America should live her own life. Washington saw it when he wrote his Farewell Address. It was not merely because of passing and transient circumstances that Washington said that we must keep from entangling alliances.

I pause a moment to say that Washington did not say that we should keep clear from entangling alliances in the Farewell Address. He said that we should keep clear of permanent alliances, and that temporary alliances would be sufficient to meet an emergency—as they were in the war just closed.

I merely mention this because the phrase “entangling alliances,” which is so familiar to the country, was the utterance of Thomas Jefferson in his first inaugural. He warned us from entangling alliances. He, too, like Washington, I know is considered antiquated by many people. I merely recall it for the benefit of Jeffersonian Democrats, if any still survive.

In Washington on January 6, 1916, addressing the Pan American Congress, President Wilson said:

The Monroe doctrine was proclaimed by the United States on her own authority. It always has been maintained and always will be maintained upon her own responsibility.

I think I am not to blame for wishing it to be maintained now.

#### ALL AGREED IN DESIRING PEACE

Now, ladies and gentlemen, we are all agreed in desiring the security of the peace of the world. I am not going to argue such a question as that. We all hate war, and let me say to you that nobody can hate or abhor war more than those upon whose shoulders rested the dread responsibility of declaring war and sending forth the flower of our youth to battle. A man who has once borne that responsibility never can forget it. I should no more think of arguing to you that peace is better than war than I should think of insulting your intelligence by arguing that virtue is bet-

ter than vice. We may dismiss it. We are equally desirous, I think, most of us certainly are desirous of doing all we can, through a union, or league, or alliance of the nations, to make the peace of the world secure—more secure, at all events, than it has ever been before. I will not stop to argue that.

The question before us, the only question of a practical nature, is whether the League that has been drafted by the Commission of the Peace Conference and laid before it will tend to secure the peace of the world as it stands, and whether it is just and fair to the United States of America. That is the question, and I want now, very briefly, to bring it to the test.

Wars between nations come from contacts. A nation with which we have no contact is a nation with which we should never fight. But contacts, foreign relations between nations are necessary and inevitable, and the object of all diplomacy and statesmanship is to make these contacts and relations as harmonious as possible, because in these contacts is found the origin of all war.

In this scheme for a League now before us we create a number of new contracts, a number of new relations, which nations have not undertaken before to create.

#### LEAGUES OF HISTORY NOT VERY SUCCESSFUL

There have been many leagues. There is nothing new in the idea of a league. They go back to the days of Greece. There is the Peace of Westphalia, the League of Cambrai. I believe there are some 30 altogether in the pages of history, none of them very successful. And in the Holy Alliance of 1815 another attempt was made, and that time a league to preserve peace. But we are approaching this League on a different basis and on a different theory from any I believe ever attempted. We are reaching for a great object, playing for a great stake. But we are creating new contacts. Therefore, we should examine all the propositions with the utmost care before we give an assent to them.

I take first the form of the draft without regard to its substance. There were four drafts presented to the Commission, one by Italy, one by France, one by the United States, and one

by Great Britain. The British draft was the one selected. You can find in the treaty, if you will compare it with the plan put forth by General Smuts in January, that some paragraphs were taken from his plan with but slight changes. How nearly the draft presented conforms to the British draft we have no means of knowing.

#### DRAFT OBSCURELY AND LOOSELY DRAWN

The drafts offered by the other countries have never been discussed, although we are living in the era of "open covenants openly arrived at." I hope in the course of a few years that those drafts may appear in the volumes published by Congress which contain an account of our foreign relations. The draft appears to me, and I think to anyone who has examined it with care, to have been very loosely and obscurely drawn. It seems to me that Lord Robert Cecil, who I believe is principally responsible for it, should have put it in the hands of a parliamentary draftsman before it was submitted. A constitution or a treaty ought to be in legal, statutory or constitutional language, and not in the language selected for this purpose.

The language of that draft is of immense importance, because it is necessary that there should be just as few differences of opinion as to the meaning of the articles of that draft as human ingenuity can provide against. No man, be he president or senator, can fix what the interpretation of that draft is.

The draft itself, the articles themselves, should answer as far as possible all questions. There is no court to pass upon them. They would have to be decided by the nine powers whose representatives compose the Executive Council. The people who are for this draft of a League and those who are against it differ about the construction of nearly every article. And, not only that, but those who are for it differ among themselves, and those who are against it differ among themselves, as to its construction. There will be differences arising out of that very porous instrument. There will be differences arising before a twelvemonth has passed among the very nations that signed it.

Mr. Taft said on the 7th of March:

Undoubtedly the Covenant needs revision. It is not symmetrically arranged, its meaning has to be dug out and the language is ponderous and in diplomatic patois.

I have said nothing about the draft as severe or as well put and as thoroughly descriptive as that.

Lately the phrase has been much used, especially when an answer was not very easy, that criticism must be constructive, not destructive. It was a convenient way of answering awkward questions and evidently those who use it, and use it freely, have never stopped to think that there are some cases where criticism must be constructive as well as destructive and some where it must be destructive alone. For instance, in discussing slavery we criticise it in order to kill, and we do not expect that a substitute shall be offered for it. If a burglar breaks into my house and threatens the death of my wife and children, I should try if I could to shoot him. That is destructive criticism, and I should not think it necessary to precede it with a proposition that he should engage in some other and less dangerous occupation.

#### REDRAFT LEAGUE IN PLAIN LANGUAGE

Now this is a case where constructive criticism is clearly needed, and my first constructive criticism is that this League ought to be redrafted and put in language that everybody can understand. By doing that you will remove at once many causes of difference and dispute, and you want the instrument to diminish disputes, and increase harmony, because its purpose is to promote peace.

Another point which applies not only to the necessity of clear and definite language in the great instrument, but to the whole treaty, or to any treaty or any alliance or league that we make, and that is to remember this—that the sanctity of treaties is above everything else important. Whatever a country agrees to, that the country must maintain.

The sanctity of treaties lies at the basis of all peace, and there-

fore we must be as careful as possible to remove all chances of disagreement arising out of conflicting interpretations of language.

As I have said, my first constructive criticism is that we should have a revision of the language and form of the draft.

Now, in discussing the draft of the League I can only deal with the most important points. To analyze those articles of that League as they should be analyzed would take many hours.

But I will speak of one point which runs all through it, and that is that there are so many places where it says that the Executive Council—which is the real seat of authority—the Executive Council shall recommend, or advise, or propose measures, and it fails to say by what vote they shall do it. There are one or two places where it is stated there shall be a two-thirds vote, another case where it shall be unanimous; but in most cases it is not stated.

Now, either there should be a clause in there saying that where not otherwise stated, the decision of the Executive Council shall be by a majority vote, or else it ought to be expressed in every article where they are called upon to make a recommendation, or a proposal, or a decision of any kind.

Again let me quote from Mr. Taft. He says, speaking of ambiguous phrases:

One of these, for instance, is in respect to the Executive Council. Will it need a unanimous vote or will a majority vote be sufficient, where there is no specification?

That puts the point extremely well, and I think there should be another change. I offer that as a second constructive criticism.

#### MONROE DOCTRINE DIFFERENTIATES HEMISPHERES

I now come to what seems to me a very vital point indeed, and that is the Monroe doctrine. I shall not undertake to trace the history of the doctrine or of its development since Mr. Monroe first declared it. But in its essence it rests upon the proposition of separating the Americas from Europe in all matters political. It rests on the differentiation of the American hemisphere from

Europe, and therefore I have found it difficult to understand an argument first advanced with more confidence, perhaps, than it is now—that we preserve the Monroe doctrine by extending it. The Monroe doctrine was the invisible line that we drew around the American hemisphere. It was the fence that we put around it to exclude other nations from meddling in American affairs, and I have never been able to get it through my head how you can preserve a fence by taking it down.

The Monroe doctrine is the corollary of Washington's foreign policy declared in the Farewell Address. I am not going to base any argument upon it, but it is a mistake to consider the policy laid down by Washington and Monroe as ephemeral and necessarily transient. As Mr. Wilson well said, Washington's doctrine was not transient. It may be wrong; the time may have come to discard it; but it is not ephemeral because it rests on two permanent facts—human nature and geography.

Human nature, you may say, has changed. When you study the history of the past, as far as we have a history, there is a curious similarity in it at all stages. But one thing is certain,—not even the wisest and most optimistic of reformers can change the geography of the globe. They say communication has quickened enormously. The Atlantic Ocean is not what it was as a barrier, or the Pacific either, I suppose. But do not forget that even under modern conditions the silver streak, the little Channel only 20 miles wide, was England's bulwark and defense in this last war. Do not underrate the 3,000 miles of Atlantic. It was on that that the Monroe doctrine, the corollary of Washington's policy, rested.

Great systems of morality and philosophy have been taught and preached, two thousand, twenty-five hundred, three thousand years ago. They may be wrong. But they are neither transient nor ephemeral because they rest upon the eternal verities. And when you come to discard a policy like that it is well to realize what you are abandoning and what its importance is.

The Monroe doctrine has been expanded. A resolution was passed unanimously in the Senate a few years ago stating that

the United States would regard it as an act of hostility for any corporation or association or any other nation to take possession of Magdalena Bay, being a post of great strategic, naval and military advantage. That did not rest on the Monroe doctrine. It rested on something deeper than that. It rested on the basis of the Monroe doctrine, the great law of self-preservation. They say that if we demand the exclusion of the Monroe doctrine from the operation of the League, they will demand compensation. Very well. Let them exclude us from meddling in Europe. That is not a burden that we are seeking to bear. We are ready to go there at any time to save the world from barbarism and tyranny, but we are not thirsting to interfere in every obscure quarrel that may spring up in the Balkans.

Mr. Taft says that the Covenant "should be made more definite by a larger reservation of the Monroe doctrine." I agree entirely. I offer that as my third constructive criticism, that there should be a larger reservation of the Monroe doctrine, and when the leading advocate of this draft takes that position it seems to me it can not be a very unreasonable one.

#### DENIES FOREIGN JURISDICTION OVER IMMIGRATION

There is the question of immigration which this treaty reaches under the nonjusticiable questions. I am told and I believe (I have followed it through all the windings) that a final decision could only be reached by unanimity, and it is said that the League would not be unanimous. I think that highly probable, but I deny the jurisdiction. I cannot personally accede to the proposition that other nations, that a body of men in executive council where we as a nation have but one vote, shall have any power, unanimous or otherwise, to say who shall come into the United States. It must not be within the jurisdiction of the League at all. It lies at the foundation of national character and national well-being. There should be no possible jurisdiction over the power which defends this country from a flood of Japanese, Chinese and Hindu labor.

The tariff is involved in the article for the boycott. The coast-wise trade is involved in Art. XXI. I think we ought to settle our own import duties. They say it is a domestic question. So it is, so is immigration; but they are domestic questions with international relations.

Moreover—and I know some people think this is a far-fetched objection—having other nations meddle with our tariff runs up against a provision of the Constitution. The Constitution provides that all revenue bills shall originate in the House of Representatives. Now I do not offer that as a final objection. No doubt we could amend our Constitution to fit the League, but it would take some time; and I think it is better to steer clear of the Constitution in cases like that.

And I offer an amendment, already proposed by Senator Owen of Oklahoma, an ardent Democrat, and a supporter of the League, to exclude international questions of the character of immigration and the tariff from the jurisdiction of the League. I present that as a fourth constructive criticism.

#### NO PROVISION FOR GETTING OUT

This treaty is indissoluble. There is no provision for withdrawal or termination. In the old days—very old days—they were in the habit of beginning treaties by swearing eternal friendship, which made them last no longer. That has been given up. In modern times almost all the treaties that we now have contain provisions for termination or withdrawal on notice. If there is no provision for withdrawal you are thrown back on denunciation or abrogation by one nation.

I have been surprised to hear in the Senate and elsewhere the statement that this was only a treaty and that we could abrogate it by an act of Congress at any time,—as we can under the decisions of the Supreme Court.

Why, ladies and gentlemen, nothing could be worse than that. No greater misfortune could befall the peace of the world than to have a nation, especially a powerful nation, abrogate the treaty.

It is usually a preliminary to war. It is in many cases, at least. There ought to be some provision by which a withdrawal could be effected without any breach of the peace or any injury to the cause.

Mr. Taft says: "The Covenant should also be made more definite as to when its obligations may be terminated." I offer that as another constructive criticism.

#### MANDATORY RESPONSIBILITY GRAVE

I am obliged to move rapidly for my time is expiring, but there are two great points that I cannot leave wholly untouched.

One is Art. XIX, providing for mandatories. It does not say who shall select the mandatory. The provision is, that a nation may be selected to take charge of a weak or a backward people and be appointed by the League to that work. It has been suggested that we should take charge of Constantinople; that we should take charge of Armenia and Mesopotamia and Syria. I am not going to argue it at length. I am not as deeply opposed to that provision as many others—as most other people are, as I believe the American people are. But it is a very grave responsibility to take charge of some distant people, furnish them with civilians to carry on their government, furnish them with an army to protect them, and send our young men away on that business. We have done it in Haiti, we have done it in San Domingo, we have done it in Nicaragua, and are doing it now. That is all within the Monroe doctrine; that is all within our own "ring fence." We must do it; we owe it to the world, and we are quite capable of doing it successfully. But this is a demand to go out through Asia, Africa and Europe and take up the tutelage of other people.

#### GUARANTY ARTICLE MOST IMPORTANT OF ALL

Then comes Art. X. That is the most important article in the whole treaty. That is the one that I want the American people to consider, take it to their homes and their firesides, dis-

cuss it, think of it. If they commend it the treaty will be ratified and proclaimed with that in it. But think of it first, think well. This article pledges us to guarantee the political independence and the territorial integrity against external aggression of every nation a member of the League. That is, every nation of the earth. We ask no guaranties, we have no endangered frontiers; but we are asked to guarantee the territorial integrity of every nation, practically, in the world—it will be when the League is complete. As it is to-day, we guarantee the territorial integrity and political independence of every part of the far-flung British Empire.

Now mark! A guaranty is never invoked except when force is needed. If we guaranteed one country in South America alone, if we were the only guarantor, and we guaranteed but one country, we should be bound to go to the relief of that country with army and navy. We, under that clause of this treaty—it is one of the few that is perfectly clear—under that clause of the treaty we have got to take our army and our navy and go to war with any country which attempts aggression upon the territorial integrity of another member of the League.

Now, guaranties must be fulfilled. They are sacred promises,—it has been said only morally binding. Why, that is all there is to a treaty between great nations. If they are not morally binding they are nothing but “scraps of paper.” If the United States agrees to Art. X, we must carry it out in letter and in spirit; and if it is agreed to I should insist that we did so, because the honor and good faith of our country would be at stake.

Now, that is a tremendous promise to make. I ask those—the fathers and the mothers, the sisters and the wives and the sweethearts, whether they are ready yet to guarantee the political independence and territorial integrity of every nation on earth against external aggression, and to send the hope of their families, the hope of the nation, the best of our youth, forth into the world on that errand?

If they are, it will be done. If the American people is not ready to do it that article will have to go out of the treaty or be limited.

## FRANCE COULD NOT HAVE HELPED IN REVOLUTION

If that League with that article had existed in the eighteenth century, France could not have assisted this country to win the Revolution. If that League had existed in 1898 we could not have interfered and rescued Cuba from the clutches of Spain; we should have brought a war on with all the other nations of the world.

Perhaps the time has come to do it. I only wish to-night to call your attention to the gravity of that promise. To what it means, that it is morally binding, that there is no escape when a guaranty of that sort is invoked. Think it over well; that is all I ask. Consider it. And remember that we must make no promise, enter into no agreement, which we are not going to carry out in letter and in spirit without restriction and without deduction.

## THE PRESIDING OFFICER

The next to address you is the President of Harvard University,—an educator renowned throughout the world, a learned student of statesmanship, endowed with a wisdom which has made him a leader of men, truly a Master of Arts, eminently a Doctor of Laws, a fitting representative of the Massachusetts domain of letters,—Abbott Lawrence Lowell.

### A. LAWRENCE LOWELL

Senator Lodge has been so long in public life and has rendered such eminent services, that I regard him not only as a statesman, but almost as an institution. For his ability and courage I have the highest respect, and I have usually been in accord with his opinions. Moreover I have always been inconsistently Republican. But, although I suspect that we differ much less about a League of Nations than might appear on the surface, I cannot agree with his utterances, and still less with those of some of his senatorial colleagues, on the draft of a Covenant reported to the Conference at Paris. We both feel that this Covenant is, as it stands, defective, but the difference is that I feel that when those defects have been removed, the Covenant ought to be ratified,—and he does not tell us whether he thinks so or not.

Few, if any, Americans hold the doctrine, propounded by certain German writers, that war is in itself good. Few do not desire peace among men; and it would probably be safe to go farther and say that the vast majority of our people welcome the idea of a League of Nations to prevent war, even if it involves some inconvenience for us. There is naturally, however, much difference of opinion about the form such a league should take; and any concrete plan that could be presented would not accord entirely with most men's preconceived ideas, if they have any; or, if they have not, would involve difficulties that they had not foreseen as inevitable; with the result that criticism breaks forth

in abundance. This has been, and must always be, true of every step in human progress. Every advance goes through the stages of general aspiration, of concrete plan and of sharp criticism, before it becomes established. The process is normal, healthy and instructive.

#### ESSENTIALS OF AN EFFECTIVE LEAGUE TO PREVENT WAR

Before examining the nature of the plan proposed in the Covenant of Paris it may be well to consider the minimum essentials of an effective League of Nations to prevent war. Everyone will agree that such a league must forbid a resort to arms before submitting the question in dispute to a public trial, arbitration or inquiry of some kind; and probably it ought also to forbid a resort to arms after an award which is universally believed to be right and just. Such a delay before hostilities will not prevent all wars, but it will make them much less common, and it will wholly prevent a nation from deliberately planning a war, as Germany did, and seeking the advantage of surprise when its victims are unprepared. It is generally assumed that, if Germany had not possessed that advantage, she would not have gone to war. Obviously, the submission to arbitration must be compulsory, for if not, the condition is nowise different from what it has been hitherto; and the compulsion,—the sanction, as the lawyers say,—the punishment for the offender, must be such that no nation would venture to incur it; for the more severe, the more certain, the more immediate the penalty, the less the chance that any bellicose nation would run the risk. The country that goes to war before submitting its case to arbitration must be regarded as a criminal against mankind, and treated instantly as an outlaw and a common enemy by the rest of the world, or by those nations which bind themselves together for the maintenance of order. For this reason the League to Enforce Peace has always insisted that the penalty should not be decreed by a council of the League, which would involve delay, possible disagreement and inaction; but automatically, that is, the members

of the League should bind themselves jointly and severally to resist the aggressor at once. In this way the members would stand together, and an attack on one would be *ipso facto* an attack on all; and if the League contained, as we expect, by far the greater part of the world, no nation would, for a moment, contemplate war with such a coalition, and therefore wars would not occur before arbitration.

The principle should apply not only to disputes among the members of the League, but also to dissensions between other nations not belonging to the League, because war, like fire, has a tendency to spread, and no one in a community has a right to start a conflagration which his neighbors have not a right to put out.

#### VALUE OF COUNCILS FOR CONFERENCE BUT NO POWER

Although the penalty against the aggressor is automatic in the sense that it does not depend upon the action of an international council, nevertheless such a council for purposes, not of command, but of consultation, is highly beneficial. It tends to remove friction by enabling nations to understand one another's point of view, and to reconcile or adjust differences before they reach an acute stage. Most plans for a League of Nations have, I believe, proposed two such bodies: one large and comprehensive, for the discussion of general problems, with an opportunity for the presentation of all possible opinions, but too large for confidential interchange of ideas; the other smaller, representing mainly those countries on whom the burden, in case of breach of the peace, would chiefly rest, a body small enough to work out in detail recommendations to be submitted to the members of the League for acceptance, modification or rejection.

Senator Lodge says that if people get together to talk over things they are making points of contact, and points of contact are points of friction. When Voltaire read Rousseau's book on "The Natural Man" he said: "You make me feel like going back to the woods and walking on all fours." If in order to avoid points of friction we must isolate the nations, why not isolate every

individual? Points whereby men get together are not points of friction. The more men can get together the less, on the whole, they disagree. It is the lone traveler, it is the lone brigand, it is the lone man out on the plains who carries a rifle across his saddle-bow and a pistol in his holster who is likely to fight another man when he comes in contact with him; not the man in the great city.

It is idle to suppose that because you have a conference of men who meet together that they are likely to foment strife among themselves. On the contrary, they talk over their difficulties, and what is far more important than anything else, they learn one another's point of view. We try to encourage men to travel in other countries, because it creates points of contact and reduces points of friction. Because it makes people understand one another and tends on the whole to the peace of the world.

Let us, therefore, have all the points of contact that we can, and in such an imaginary League as I have suggested we shall not only have an arrangement by which nations will stop war, but by which they will have the utmost opportunity of talking over their difficulties. Let us have councils; councils with no authority, if you please, but councils to talk.

It will, I think, be generally agreed by all persons who desire a League of Nations that these points are the essential minimum of any league that can be effective in preventing war. Let us now examine how far the Covenant of Paris covers these points and what else it covers.

#### THE COVENANT DEFECTIVELY DRAFTED

The Covenant is very defective in its drafting. In places it is so obscure that the meaning is often inaccurately expressed and sometimes doubtful. It is easily misunderstood, and has in fact been widely misunderstood. To give a single example of what must be defective drafting, Article XVI provides that if any country resorts to war in disregard of its Covenant, the members of the League shall immediately prevent all financial, commercial and personal intercourse between the nationals (that is,

the citizens) of the covenant breaking state and the nationals of any other state, whether a member of the League or not. It is not difficult for members of the League to prevent their own citizens from trading with the citizens of the offending country, but how about the citizens of other countries not members of the League? No doubt the framers of this clause had in mind a blockade; but what if the offender's land frontiers border upon countries not members of the League? Suppose, for example, that the new state of Poland should, contrary to her Covenant, attack Czecho-Slovakia. How are the leagued nations to prevent the Poles from trading with the Russians and Germans on the East and West? Apparently something here is wrong.

The meaning of the Covenant should be made perfectly certain, and we may assume that every effort will be made to effect this, because when people know what they intend, and want the whole world to know what they intend, they are naturally willing to make their meaning clear.

#### THE COVENANT IS ONLY A DRAFT

Let us remember that in its present shape the Covenant is intended only as a draft, subject to correction; for if it were regarded as finished and unchangeable, it would not have been given out until submitted for ratification. It is defective as is all unfinished legislation that embodies much of compromise. For the first time we have an experiment in open diplomacy, the public being admitted to inspect the process before it is completed. It would certainly be unfortunate for that experiment if criticism of the draft were purely destructive; and yet we have had little criticism of a constructive character. From those, and they are many, who profess to believe in a League of Nations, but not in this particular plan, we have heard little or nothing of the way this plan could be improved to meet their views. Criticism seems to have been left almost wholly to those who object to a League of Nations altogether.

I agree fully with Senator Lodge that if you see a burglar entering your house you shoot him, but you shoot him not for the

purpose of improving the burglar—it is because you do not wish to improve the burglar. Of course, if you look on this treaty as a burglar, shoot it; but, for goodness' sake, say you are trying to shoot it and not that you are trying to improve it by destructive criticism.

#### WHEN THE INTENT IS CLEAR THE COVENANT MEANS WHAT IT SAYS

Having observed that the drafting of the Covenant is defective, I am not further concerned here with pointing out errors or suggesting improvements in drafting, but with the substance of the plan—with the character of the League which the representatives of 14 nations agreed upon unanimously. But I should like to suggest one amendment that would not change in the least the meaning of the Covenant where its wording is precise, but would greatly clarify further discussion, and remove many objections raised by Senators. It would consist of an additional article reading as follows:

"The obligations assumed by the members of the League are only those which they agree to assume by this Covenant, and not others which they do not hereby agree to assume. Furthermore, the powers possessed by the organs of the League are those, and only those, conferred upon them by this Covenant."

Or the same thing might be expressed more briefly thus: "Where its intent is clear, this Covenant means what it says, and not something else."

In spite of all its defects in drafting such a clause would help some of our opponents to construe the document. In my argument I shall assume that this clause has been added to the Covenant, or is unnecessary. For example, when the Covenant says that the Executive Council of the League shall "advise" or "recommend" or "determine for the consideration and action of the several governments" or "formulate plans" or "propose measures," I assume that it means what it says. To advise or recommend means to suggest, to propose, to advocate—in short, to recommend—for consideration by someone else, not to give

an order to someone who is obliged to obey; and when the members of the League agree that their Executive Council may advise or recommend a course of action, they agree to consider that recommendation, but they assume no obligation, legal or moral, to follow it if they do not approve of it. Much of the misunderstanding of the plan prepared in Paris has come from a failure to keep this fact in mind,—and yet it would seem fairly obvious.

#### OBLIGATIONS ASSUMED BY THE MEMBERS OF THE LEAGUE

By the Covenant the members of the League assume several grave obligations. Senator Lodge did not put in the least too severely, too weightily, the gravity of the duties which the members are to undertake. The question is whether, grave as they are, they are worth undertaking for the sake of preventing war—that is the question which we shall have to face.

Now, in order to understand what they are I shall have to weary your patience a little by going through that document and telling you what they are, and I will ask you to listen patiently, because the whole question of what we are to do depends upon what we actually agree to do.

We may here observe that the attempt to make out different classes of members, distinguished as protocol members, signatories, high contracting parties and simple members, has no foundation in the language of the Covenant. The high contracting parties are the nations that make the agreement, sign it and are to be mentioned in its protocol. They are all the members, and the only members, of the League, until new members are admitted with the same full rights of membership. The only difference between the members is that the five chief powers have the privilege of being always represented on the Executive Council.

The principal obligations assumed by the members of the League are:

“To respect and preserve as against external aggression the territorial integrity and existing political independence” of the members of the League (Art. X).

(I do not mean to comment as I go along, but Senator Lodge has referred to this and said that if it had been in existence we could not have taken Cuba, that France could not have joined against England with us in the Revolutionary War. But I want merely to add that had there been such a League with this provision the late war could not have occurred. Was the Spanish War by which we freed Cuba worth this war? That is the sort of question that we have to decide.)

To submit any disputes that shall arise between them to arbitration (Art. XIII), or to inquiry by the Executive Council, or in certain cases to the Body of Delegates, and communicate to the Secretary General of the League for publication a statement of the case, with all the relevant facts and papers (Art. XV).

To carry out in full good faith the award of an arbitration if they voluntarily agree to go to arbitration (Art. XIII); (but it may be observed that they do not agree to comply with the result of an inquiry by the Executive Council or the Body of Delegates).

Not to resort to war against any other member of the League without previously submitting the matter to arbitration or inquiry, or until three months after the award; nor to go to war with a member of the League that complies with the award (Art. XII) or with a recommendation of the Executive Council or Body of Delegates which is unanimous (except for the parties to the dispute) (Art. XV).

#### THE SANCTIONS, OR PENALTIES FOR OFFENDERS

Then come the sanctions, that is, the provisions for enforcement or punishment for breach of these covenants. These are contained in Article XVI, which provides that, should any member of the League break or disregard its agreement not to go to war without arbitration, or not to go to war with a member that complies with the award or unanimous recommendation, "it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertakes immediately to subject it to the severance of all trade and

financial relations, and the prohibition of all intercourse between their nationals and the nationals of the covenant breaking state, etc." The members "agree, further, that they will mutually support one another in the financial and economic measures that may be taken"; "that they will mutually support one another in resisting any special measures aimed at one of their number"; and "that they will afford passage through their territory to the forces of any of the high contracting parties who are co-operating to protect the covenants of the League."

### OBLIGATION TO GO TO WAR?

This is an agreement for an immediate and automatic boycott, or outlawry, of the offending state by the members of the League,—certainly a vigorous form of sanction, highly unlikely to be defied, the more so, as it would almost inevitably involve war with all the nations in the League. Whether it was intended that the state which, in violation of the Covenant, levied war on one member of the League should be *ipso facto* at war with all the rest does not seem to me clear. The Covenant does not say so, for an act of war is not necessarily a state of war; and yet the provisions about mutually supporting one another against attacks, about the passage of troops, and a clause in the same article that the Executive Council shall recommend what "military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League," seem to contemplate a general war in such a case.

Moreover, M. Bourgeois, the only one of the four members of the Committee speaking on the presentation of the draft whose remarks throw any light upon this point, said: "Take a state that violates the international covenant. That state is supposed to be in a state of war against all the members of the League." It seems to me that it would be wiser to have it so, because the fact that an attack against any member would automatically mean war with all the others would be a stronger deterrent, would render such an attack, and the general war it would inevit-

ably entail, even more remotely improbable than an apparently smaller penalty. Whatever the intention, it ought, of course, to be made perfectly clear beyond the shadow of a doubt.

It may be observed that an outside power threatening war is to be treated, so far as war is concerned, in the same way as a member of the League.

We hear the dread expressed, "Are we to send our sons abroad?" But if we make an agreement of that sort and the nation which violates must go to war with the whole world, there is no danger of it whatever. There is no more danger than there is of a rough attacking a body of a dozen policemen. It does not happen, it can not happen, it will not happen. It is like this question of our being called out to defend the British Empire. If any small state attacks the British Empire the British Empire can look out for itself and we need do nothing about it. If any great nation attacks the British Empire—well, it happened this time, and we went in whether we had a treaty or not.

#### OTHER OBLIGATIONS

The members of the League agree to pay the expenses of the Secretariat in the ratio of their contributions to the Universal Postal Union (Art. V). They further agree not to conceal the condition of their industries capable of being adapted to warlike purposes, and to interchange information fully and frankly about their military and naval programs (Art. VIII). They agree to endeavor to secure fair and humane treatment of labor at home and in all countries with which they trade (Art. XX); to maintain freedom of transit and equitable treatment of commerce for all members of the League (Art. XXI); to place international bureaus under the control of the League (Art. XXII); to register all treaties, and agree that treaties until registered shall not be binding (Art. XXIII); and, finally, that all obligations among members of the League inconsistent with the Covenant are abrogated, and that no engagements inconsistent therewith shall be made.

### THE OBLIGATIONS ARE DIRECT AND ABSOLUTE: NOT DISCRETIONARY

These, with the duty of sending its representatives, are the positive obligations assumed by the members of the League; and it may be observed that they are direct obligations upon the members to do, or abstain from, definite acts, either continuously, or on the happening of the events described; never under the orders, or by the direction, of any organ of the League. The members agree to preserve one another's integrity and independence absolutely, not when directed to do so by the League. If a member of the League is attacked before arbitration, they agree to boycott the offender immediately, not if called upon to do so by the Executive Council; and so on throughout the list. Their obligations are specified, not discretionary, still less arbitrary, on the part of any international body or authority. For the most part they are devised with the object of preventing war, and especially unjust or predatory war. In that respect they follow very closely the minimum essentials for a League of Nations to prevent war described in the opening of this address, and they seem effectively designed for the purpose.

### FUNCTIONS OF THE EXECUTIVE COUNCIL

Let us now turn to the functions of the representative organs of the League. The most important of these is the Executive Council, which is to consist of representatives of the United States, the British Empire, France, Italy, Japan and of four other states that are members of the League, those states being selected by the Body of Delegates. The Executive Council so constituted is given authority to formulate plans for the reduction of armaments (Art. VIII); to advise how the evils of private manufacture of munitions can be prevented (Art. VIII); to advise upon the means by which the integrity and independence of the members of the League may be preserved in case of aggression, or danger thereof (Art. X); to propose what shall be done if a state fails to carry out the award of an arbitration by which it has

agreed to abide (Art. XIII); to formulate plans for a permanent court of international justice (Art. XIV); to inquire into disputes between states and make recommendations thereon (or refer the matter to the Body of Delegates for inquiry), and to propose measures to give effect to its own unanimous recommendations in such cases (Art. XV). If a state goes to war contrary to its covenants and thereby draws upon itself the sanction provided in the agreement of the members, it is the duty of the Executive Council to recommend what military or naval forces the members of the League shall severally contribute to protect the covenants of the League (Art. XVI). The Council can further prescribe the conditions upon which a state not a member of the League shall accept the obligations of membership for the purpose of a particular dispute, and in case of refusal it may take such action and make such recommendations as will prevent hostilities (Art. XVII).

#### POWERS OF THE COUNCIL PURELY ADVISORY

So far the authority of the Executive Council, with regard to the members of the League, is strictly limited to consultation and making recommendations, which the members of the League are under no obligation to accept unless they please.

#### EXCEPT IN THREE CASES

I can, in fact, find only three cases in which the Council is given the power to make any orders, regulations or decisions binding upon the members of the League or limiting their freedom of action. The first of these arises when the Council acting in a judicial or arbitral capacity makes a recommendation which is unanimous, except for the parties to the dispute. In that case a state is bound not to go to war with any party that complies with the recommendation, and to take part in the punishment of any other state that goes to war with a party so complying (Art. XV). To that extent a unanimous decision of the Council in case of a dispute is binding on the members of the League, and no one would probably desire that it should be otherwise.

Another case of a binding decision relates to the reduction of armaments. When the Council has determined, for the consideration and action of the several Governments, what armament is fair and reasonable, and the plan is adopted by them, the limits thus adopted by those Governments can not afterward be exceeded without the permission of the Council (Art. VIII). In this case the Covenant forbids a member of the League to increase its armament without the approval of the Council, but only after the member has specially and voluntarily consented to a general plan of reduction.

#### THE POSITION OF A MANDATORY

The third case is that of a mandatory for a backward people. "The degree of authority, control or administration to be exercised by the mandatory state" is to "be explicitly defined in each case by the Executive Council in a special act or charter" (Art. XIX). It has been asserted that a state selected as a mandatory (presumably by the Executive Council, although this is not expressly stated), is under an obligation to accept. I can find in the Covenant no provision to that effect, expressed or implied; nor would such an obligation appear reasonable. To suppose that the representatives of France, Italy, the United States or any other of the 14 states on the Committee intended that if the Council should select their country as mandatory to take charge of Russia it would be obliged to accept, seems to me in the highest degree improbable, and the same thing is true of less difficult mandates. It is a general principle that in any document an intention, not expressed and in itself irrational, is not to be implied. No doubt a spirit of fairness would prevent a nation, engaged with others in a common effort for human welfare, from shirking all burdens it has not expressly agreed to assume; but that is a very different thing from an obligation to accept any burden that may be thrust upon it. The matter should, of course, be made perfectly clear in the final draft.

The principle of mandatories seems to me highly meritorious. It has, I understand, two objects, one to prevent maltreatment of

the native population, and the other to prevent a selfish monopoly of products that may be essential to the industry and prosperity of the world. For both these purposes there is clearly a right of collective supervision and control, at least by all the nations that have taken part in the conquest of the colonies and territories concerned. If Germany and her allies had not been beaten these possessions would not have been permanently captured; and every nation that helped to win the war helped to conquer them. Therefore we, as one of those nations that helped to acquire them, have a right, and have no less a duty, to see that they are properly administered; and there is no need of making a bugbear of it.

#### ADMINISTRATIVE FUNCTIONS OF THE COUNCIL

The remaining functions of the Executive Council are of a somewhat routine character. It regulates its own procedure (Art. IV), chooses the Secretary General, whose duties are clerical (Art. V); apparently it supervises the trade in arms with the countries in which the control of the traffic is necessary in the common interest (Art. XVIII); appoints bureaus and committees with advisory powers (Arts. IX, XIX, XX); and is to control international administrative bureaus, such as that of the Postal Union and the many others that have since been established for common convenience (Art. XXII).

#### THE BODY OF DELEGATES

The functions of the Body of Delegates are still less extensive, consisting almost entirely of the discussion of matters within the sphere of action of the League. The only cases—apart from the regulation of its own procedure—where it is given power to make binding decisions, are the selection of the four countries, which, in addition to the five chief powers, are to have seats in the Executive Council; and the case where a matter in dispute between two states is referred to the Body for inquiry, in which case its recommendation has the same effect as if made by the Executive Council.

## THE NATURE OF THE LEAGUE

This analysis of the plan for a League set forth in the Covenant of Paris shows how closely it resembles the sketch of the minimum essentials of such a League in the opening of this address. It shows also that the fear of a super-sovereign body, to which we are asked to sacrifice our independence, is the creation of an overheated imagination. If we assume that the Covenant means what it says, and not something wholly different, no organ of the League has any authority to give commands to this country that need give us a moment's anxiety. The only substantial powers that any such body is to possess, beyond making recommendations which we may follow or not as we think right, are derived from a unanimous decision in an international dispute, and from the right to forbid an increase in armaments or to direct the duties of a mandate in case we first agree to the reduction of armaments, or to the assumption of the mandate.

It is sometimes asked, if the authority of the organs of the League is so insignificant, where is its efficiency in preventing war? The answer is that it lies in the obligations assumed under the Covenant directly by the several members of the League; and this is both the most effective and least adventurous method of preventing war. There are in fact two possible forms of League for this purpose.

And, mind you, let me say here, that I am not in the least concerned with, and take no interest in, the question whose plan this is. I do not care a rush whether this plan was drawn up by a citizen of the United States or of England or of France or of Spain or of Japan or of Italy, or anyone else. The question is, is it a good plan for us to adopt? I think that we merely befog the issue and raise passion by asking whose plan it was.

In the plan projected in the Covenant, the obligations of the members are precisely defined, and their treaty rights and duties arise automatically on the outbreak of war—any other action recommended after consultation being voluntary.

The other form of League to prevent war would be one where the members should agree to comply with the directions of some international body, and in that case the obligation of the members to act would not arise until after a deliberation and vote of that body.

This second form of League has two serious disadvantages. The sanction of the provision against waging war, that is, the penalty for violation of the provision, is neither immediate nor certain, but depends upon the somewhat doubtful process of discussion, where a single negative voice of a powerful nation may practically prevent action. The deterrent for the intending offender is, therefore, weaker than in the other form of League. The second disadvantage is the uncertainty in the obligations assumed by the members of the League, which depend upon the determinations of the international body. A council with such a power might without gross exaggeration be termed in some sense a super-sovereign, or rather a super-national, council; but that is not the form of League proposed by the Covenant of Paris, and criticism of this Covenant based upon a radically different kind of League from that which it projects misses the mark altogether.

#### AN OBJECTION FOUNDED ON MISUNDERSTANDING

This misunderstanding of the nature of the League proposed, and of the functions of its organs, is the foundation of most of the objections raised against the Covenant. If the United States is not subject to the orders of the Executive Council, or under any obligation to adopt its recommendations, it is senseless to talk of our being ruled by a body in which we have only one vote out of nine. The opponents of the League set up an imaginary scarecrow of their own creation, and then fire at it with great satisfaction to themselves. Their shots do not touch the real mark, although the noise may confuse the public.

Another bogey of an equally unsubstantial kind is that "England" has in the Body of Delegates six votes to our one. If the

only functions of this body are to talk, to select the four other states to be represented on the Executive Council, and to make unanimous recommendations after inquiry into a dispute, the number of votes therein is not of much consequence. Moreover, even if the British self-governing colonies are admitted as members of the League, it is by no means certain that Great Britain can always control their votes; and on the other hand—tell it not in Gath—who but the United States would practically control to-day the votes of Panama, of Nicaragua, of Haiti and of San Domingo?

#### TRUE MEANING OF THE ARGUMENT FROM WASHINGTON'S POLICY

Let us now turn to the particular objections made to the entrance of the United States into this League, or indeed into any League to maintain the peace of the world. First or last the opponents of the Covenant always seek for an argument in Washington's Farewell Address. Curiously enough, I have never heard Washington's opinions, or practice, which must be well known, quoted against prohibition or some other modern innovations. It is even more strange to hear Senator Borah urge the authority of Washington against a League of Nations, but say that if the Saviour of mankind should revisit the earth and declare for such a League he would nevertheless oppose it. To the ordinary man, that Senator's ideas of authority in matters of opinion are perplexing. No sensible man would for a moment assert that if, owing to a change of conditions in the modern world, he were convinced of the utility and wisdom of a departure from the policy of Washington and the great statesmen of his day, he ought nevertheless to vote against that departure because of opinions expressed a century ago.

Senator Lodge has told us that we ought to be very cautious in abandoning a policy laid down by Washington and followed for a hundred years, and he is right, perfectly right. It does not mean that we are to be chained down to immobility by the traditions of the past regardless of changes in conditions.

That would be wholly contrary to the American spirit, and to the character of Washington himself, who was one of the greatest innovators in history, for the reason that he fixed his vision, not upon the past, but on the facts of his day and the problems of the future. Senator Lodge's caution means only this, that the burden of proof always rests upon those who advocate something new. We accept that burden of proof, and seek to show, what I believe the great mass of our countrymen feel: that the time has come when the nations should co-operate to put an end to war so far as possible; that from this humane effort the United States should not stand aloof; and that the principles embodied in the Covenant of Paris, with such amendments as can no doubt be obtained, provide the best means available for the creation of such a League. This is what we are striving to prove, and I believe that we shall prove it to the satisfaction of the American people.

Manifold things have changed since the days of Washington, and they could not help changing. And if Washington could look at things now I suppose he would do as he did then; that is, he would look them in the face and judge according to the present and the future, and not according to the past. Did not Washington depart from the whole history of our people up to that time? Up to that time our people had been ruled by England and the English king, and George Washington departed from all the old customs which had existed previously—much against the objection of many of his neighbors. And you know very well that all the land on Beacon Hill, and various other places, was confiscated because it belonged to those who did not agree with George Washington and went back under the good old customs to England.

And did not George Washington preside in the Convention that framed the Constitution? That was the greatest innovation of the time! And people argued against that in almost the same language that to-day they argue against this.

### TWO QUESTIONS TO SENATOR LODGE

As our senior Senator, and as the leader of the Republicans in the Senate, we have a right to ask Mr. Lodge two questions: *first*, whether he will, or will not, vote for the Covenant of Paris, provided it is amended as he wishes; and, *second*, what amendments thereto he desires.

Now, by the arrangement between Senator Lodge and myself, which I myself proposed, and of which I make no complaint, I have no reply here, and therefore I beg you all to notice whether he does answer those questions. The first of them can be answered Yes or No, and can be answered only Yes or No. I believe that if Senator Lodge in his position will formulate his amendments and send them to Paris, and say, "I will vote for this Covenant if those amendments are adopted," they will be adopted and the Covenant will pass.

### RIGHT TO WITHDRAW

A further objection to the Covenant is that it contains no provision for withdrawal from the League. If this is a serious cause of reluctance to its ratification there would probably be no great hesitation in adding a clause that any member might withdraw on giving a reasonable notice—let us say a couple of years—provided all its obligations were fulfilled up to the time it withdrew.

### INTENTION TO EXCLUDE DOMESTIC AFFAIRS

Another objection brought forward by the opponents of the League is that Asiatic immigration, the policy of a protective tariff, or some other matter of vital domestic interest, may form a subject of dispute with another nation, may be brought before the Executive Council for inquiry and decided against us. It would seem to be clear that the framers of the Covenant did not intend to submit to the interference of the Council the internal affairs of the members of the League, and assumed that the Council would in such questions follow the recognized principles of international law.

It can hardly be supposed that England, for example, intended that any nation should be entitled, by raising a dispute, to ask the Council to inquire into the government of the natives of India, and make recommendations for a change; or that France intended to authorize an inquiry whether or not she was justified in repealing the Concordat with the Church; or that Italy contemplated a recommendation on the restoration of the Temporal Power of the Vatican.

If it were not self-evident that purely internal affairs were intended to be left in the hands of each country as heretofore, the exceptional treatment of a couple of such subjects would prove it. Special provisions are made for reducing armaments and improving the condition of labor—matters that would otherwise be regarded in international law as domestic concerns. It is true that there is no express statement in the Covenant that internal affairs are not subject to interference by the Council, and there is no attempt to define what matters are of this nature, but it is perfectly clear that immigration and tariffs are internal affairs, and if there is any serious doubt on the question, there will doubtless be no objection to making it perfectly clear.

#### THE MONROE DOCTRINE—ITS DIFFERENT MEANINGS

Next we come to the greatest bugbear of all, the point on which popular alarm is most readily awakened by vague denunciation without definite explanation. It is the Monroe Doctrine. As one of those who have always believed strongly in this Doctrine, I understand that it means, or is by some persons supposed to mean, several different things. In its original sense it meant that no foreign nation should interfere with the independence, or seek by force to acquire any part of the territory, of any country in the American hemisphere. Taken in this sense the Covenant extends the doctrine over the whole world, or at least over all that part of it which is covered by the League.

Senator Lodge says that such an extension destroys the Monroe Doctrine. I do not quite see that. I do not see how the provision that you shall not do a thing anywhere upsets a

provision that you shall not do it in a particular place. He says that it is pulling down the fence, and that you do not preserve a fence by pulling it down. That is perfectly true if your object is to preserve the fence, but if your object is to preserve the fruits inside the fence you do not fail to preserve them by making the fence cover two orchards instead of one. And my interest in the Monroe Doctrine is not in the fence, but in the things the fence protects,—to wit, the people of these United States and the other countries of America.

#### AN AMENDMENT NEEDED

There is another later and broader sense in which the doctrine means that no foreign nation shall acquire a foothold on these continents even with the consent of the country that owns the place. This was the phase of the doctrine invoked in the case of Magdalena Bay. A Japanese company proposed to buy from Mexico a tract of land on this bay in Southern California, ultimately, as we believed, for the purpose of a Japanese naval station. Our Government objected, and the purchase was not made. Such a transaction is not forbidden by the Covenant of Paris, and if we went to arbitration about it the decision might be that Mexico had a right to sell land to Japan or any other power if she wished to do so. The United States would be justified in asking, and in my opinion ought to ask, for a clause in the Covenant that no foreign power shall hereafter acquire by conquest, purchase, or in any other way, any possession on the American continents or the islands adjacent thereto. Nor do I believe that the European members of the League would object to such a clause, because they do not want another nation to acquire military posts or naval stations in the neighborhood of their own coasts, canals or coaling stations.

#### THE DOCTRINE SHOULD NOT CREATE A GAME PRESERVE

There is, however, a third interpretation of the Monroe Doctrine, rarely asserted, often repudiated, but nevertheless widely entertained, which stands on a very different footing. It is that,

while foreign powers are forbidden to take territory from American countries, we are at liberty to treat them as our interests may dictate. According to that view Central and South America are a game preserve, from which poachers are excluded, but where the proprietor may hunt as he pleases. Naturally the proprietor is anxious not only to keep away the poachers, but to oppose game laws that would interfere with his own sport. With their professed principles about protecting the integrity and independence of small countries, the nations that have drawn up the Covenant of Paris can hardly consent to a claim of this kind. Nor ought we to demand it. A suspicion that this is the real meaning of the Monroe Doctrine is the spectre that has prevented the great South American states from accepting the doctrine. It has been the chief obstacle to mutual confidence, and cordial relations with them, and the sooner it is definitely rejected the better.

Some Americans, while professing a faith in the right of all peoples to independence and self-government, are really imperialist at heart. They believe in the right and manifest destiny of the United States to expand by overrunning its weaker neighbors. They appeal to a spirit of patriotism that sees no object, holds no ideals, and acknowledges no rights or duties, but the national welfare and aggrandizement. In the name of that principle Germany sinned and fell. The ideas of these American imperialists are less grandiose, but at bottom they differ little from hers. It would be a calamity if we should have helped to overcome Germany only to be conquered by her theories and her errors.

#### CONSTITUTIONAL OBJECTIONS

Finally, an objection is made to the Covenant on the ground that its provisions are contrary to the Constitution of the United States. It is argued that an obligation assumed by treaty to limit military or naval forces and armaments in this country is contrary to the provision of the Constitution which vests in Congress the power to raise and support armies; that the obligation not to go to war without previous arbitration, or perchance to go to war under certain contingencies, is contrary to the provision

vesting in Congress the power to declare war; that the same is true of the obligation to preserve against external aggression the territorial integrity and political independence of the other members of the League, because this may involve war; and that the obligation to prevent commercial intercourse with the people of an offending country is contrary to the provision which confers on Congress the power to regulate commerce with foreign nations. It is contended that a treaty which regulates any of these things impairs the power of Congress to do so and is, therefore, unconstitutional.

#### EXISTING TREATIES DO ALL THESE THINGS

Now it so happens that all these things have been regulated by treaties already made, still in existence, and duly ratified by the Senate. Treaties regulating commerce in various ways have been common, and are too numerous to require citation. No doubt they have often been authorized by Congress, but so can this Covenant if it is deemed necessary. With that authorization, and sometimes without it, there has been no question of their constitutionality.

The limitation of armaments by treaty is very old. More than one hundred years ago, in 1817, an agreement was made with England to limit the naval forces of the two countries upon the Great Lakes. It was approved by the Senate, put into effect by proclamation of the President, has been in force ever since, and been faithfully observed to the great satisfaction of everyone concerned. It is fortunate no one discovered that it was unconstitutional, for in our country this means that it is beyond the power of those making it, and hence null and void. But if the treaty was void, England or the United States could at any moment have built a navy on the Lakes without breaking it, for there is no such thing as a breach of a void treaty. It makes no difference whether this was in form a treaty, for it was an international agreement approved by the Senate.

Treaties to guarantee the integrity and independence of another country are of a more recent date. Article 35 of the treaty of

1846 states that "the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time in which this treaty exists; and in consequence the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory."

In like manner the treaty of 1903 with Panama states in its first article: "The United States guarantees and will maintain the independence of the Republic of Panama." Still more recently the treaty with Haiti ratified by the Senate on February 28, 1916, provides in Article XIV that "the United States will lend an efficient aid for the preservation of Haitian Independence." Each of these treaties implied going to war if necessary, and the last says so expressly.

Within the last few years the so-called Bryan treaties have been made which cover the remaining point, that of an agreement not to go to war before arbitration. The treaty with Great Britain, ratified by the Senate on September 25, 1914, is a good example of this series of agreements. In the first article it provides for the reference to an international commission of all disputes of every nature whatsoever the settlement of which is not already provided for and in fact achieved under existing agreements, and adds that the high contracting parties "agree not to declare war or begin hostilities during such investigation and before the report is submitted." During the years from 1914 to 1916 treaties of this kind, duly ratified by the Senate, were made with Bolivia, Brazil, Chile, China, Costa Rica, Denmark, Ecuador, France, Great Britain, Guatemala, Honduras, Italy, Norway, Paraguay, Peru, Portugal, Russia, Spain, Sweden and Uruguay.

#### CONSTITUTIONAL POWERS ARE UNAFFECTED

It is a little late in the day for opponents of the Covenant of Paris to discover that its treaty obligations are unconstitutional, and hence that all the foregoing treaties are null and void. This

is particularly true of those Senators who voted for many of these treaties. The fact is that treaties touching any of these matters are not unconstitutional, because they do not affect the powers vested in Congress by the Constitution. They affect the good faith of the nation, and so long as they remain in force they are the law of the land. But Congress does not thereby lose its power. If it chooses to pass an act violating their provisions the act, though immoral and a breach of faith, is not illegal or void of effect.

#### SEPARATE LEAGUES FOR AMERICA AND EUROPE INSUFFICIENT

Some opponents of the Covenant suggest that the United States should be at the head of a League to preserve order and maintain peace in this hemisphere, and that a European League of Nations should take charge of troubles which arise elsewhere. But that is no solution of the problem of preventing war. It is merely putting things back into the condition that they were in before Germany began this terrific conflict. If we are willing to help remove from mankind the fearful scourge of war, we must play our part in removing it wherever it may exist.

Other opponents suggest that we should not formally join a League, but can take part in a future European war if needed, as we did this time. They say, let the nations over there fight among themselves, and when we are drawn in, we will fight too. In this war we got off very lightly, in comparison with the European belligerents. There are in America only a hundred thousand mothers who have lost their sons, and perhaps twice as many of our best young men wounded, many of them maimed and sufferers for life. There are desolate widows and orphans. Why not let it happen again, with perhaps ten times as many casualties? Oh, yes, why not? Is not this better than trying to prevent war? Besides, some country may be devastated, as Belgium and parts of France were, without our being drawn in; and then we may make money by the trade in munitions and food stuffs. Why not? Is not this better than preventing war?

### THE COVENANT IS IMPERFECT BUT IN PRINCIPLE RIGHT

This Covenant is not perfect, it is a draft published for criticism and will receive plenty of it, and through criticism some improvement also. But even when perfected, it will not be perfect. Nothing human is perfect; still more, it will not satisfy everybody. In the nature of things it is an attempt to harmonize the views of many nations and of many people within each nation. It is a compromise between these views, and compromise is the very life blood of all legislation, where the unsatisfactory, and the evil if you will, must be taken with the good, and for the sake of the greater good. The Covenant is imperfect and poorly drawn, but it is framed on the right lines. The substance of the plan, the principles on which it is founded are correct and should be improved and accepted.

No great advance, no great step forward, has ever been taken by men without hesitation and without opposition. The Constitution of the United States was wrung from the grinding necessity of a reluctant people; but the far-sighted, sanguine, bold statesmen of that day were right in trying a great experiment, and they tried it with success. The America of their descendants has not become timid. The old idealism, the old fire, the old aspiration for something greater and better in the world, the generosity that is willing that others should share the prosperity and peace that we enjoy, has not died out.

### THE DECISION WE MUST MAKE

The war has taught us some things which we hardly understood before. One is the cruelty, the suffering, the devastation, the horror of modern war, and the absolute necessity of stopping it if civilization is to be preserved. Another thing the war has taught us,—which we saw but dimly before,—is that we have become a great nation and an inseparable part of the world.

With the closer contact with Europe which the progress of science has brought about through the more rapid transporta-

tion of news, of things and of men, the days of American isolation have passed away forever. The numbers and intelligence of our people and the resources of our land have made us potentially the most powerful people upon earth. We can not change it if we would, nor can we escape what it implies. We can not move the world or our country backward, and it is unwise when we can not help moving to look the other way. The destiny of America is forward, and we must look ahead.

War can, in large measure, be prevented, and certainly such wars as we have just shuddered at can be prevented; but this can be done only by a League, and a League powerful enough for the purpose is possible only if our country plays its part. The hour is rapidly approaching when we must decide whether our country shall take its place, like a great and generous nation, side by side with others as guardians of law, order and justice in the world, or whether it shall turn its face away from a world in agony. When I hear Senator Borah, who doubtless thinks himself a good judge of the political atmosphere, say that if the Saviour should revisit the earth and declare for a League of Nations, he would oppose it, I am reminded of a saying of that Saviour: "Ye can discern the face of the sky; can ye not discern the signs of the times?"

### THE PRESIDING OFFICER

Under the arrangement for the discussion Senator Lodge will have half an hour to close.

## SENATOR LODGE

### IN REBUTTAL

After President Lowell had finished revising and amending the treaty I think almost anyone could have agreed with it. I will try to be plain. I said that I was in favor of a union of nations in any league, alliance or society, or whatever name they choose to call it, that would tend to suppress, and, so far as possible, secure the world against, war.

When I said any league, I supposed it included this one. Perhaps it does not. If this League is to be in such form that it will really promote peace, instead of breeding dissension and quarrels—as I believe it will—if it shall be put in such shape that it will bring no injury or injustice to the United States, of course I will support it, because I said I would support any league which would do those things.

I am not engaged in dealing with titles or with imaginary leagues or leagues that are drawn by those who have no authority to draw them. I am engaged in dealing with the League that has been presented, whether complete or incomplete, to the people of the United States, and we were given to understand that it was that League as it stood.

I hope from my heart it will be amended. I hope we shall have a League in proper form, properly prepared, free from doubts, excluding what ought to be excluded. I hope it will be done—done somewhere before the end is reached. In my belief it will be done somewhere, and not in Paris.

### PRESIDENT DID NOT CONSULT SENATE

President Lowell asked me why I did not draw up amendments that I thought necessary and send them to Paris. I happen to be a Senator of the United States, but I can not speak with the au-

thority of the Senate. The Senate under the Constitution has the right to advise and consent. If the President of the United States had done what other Presidents have done—if he had laid this draft before the Senate he would have received the amendments asked of me by President Lowell. I am only asking something that has been done by almost all our Presidents who have consulted the Senate about entering into negotiations, about the character of negotiations, about awards, about pending negotiations. It was done among other Presidents, by Andrew Jackson, the old Indian fighter, victor of New Orleans, arbitrary and imperious; it was done by General Grant, the victor of the great Civil War, who rendered the greatest service to peace that any one President was ever privileged to do, when he carried through the Geneva Convention and saved a war with England. The Senate was consulted prior to negotiations by George Washington; it was consulted prior to negotiations by Abraham Lincoln. And in the path that George Washington and Abraham Lincoln have walked there is no man too great to tread.

#### IF PRESIDENT HAD CONSULTED SENATE

If the President had laid that draft before the Senate, as these other Presidents have done, if he had said to the Senate, "I submit this draft to you for your advice, I hope for your approval, and for such suggestions as you may have to make," he would have had the amendments laid before him to present to the Peace Conference in Paris. The battle would have been more than half won by the mere submission.

He not only did not lay it before us, before the constitutional body which is entitled to advise him, but he does not call the Senate together now to consider it. If they want to know in Paris what amendments are required, call together the constitutional advisers of the President and the amendments will be drafted and sent. But one senator cannot speak with authority for the entire body. The senators are now scattered in 48 states. Call them together and the amendments will be presented,

and if they are adopted the treaty will be ratified in very short order.

### OUGHT TO MAKE PEACE WITH GERMANY

Now, one word on that particular point, which would have saved time. We ought to have made peace with Germany at once. All this fervor for peace, and we are at war now! We are at war at this moment, and nobody seems to think it worth while to stop the existing war. Two months have been wasted, at least two months, owing to the insistence on discussing the League of Peace. It will be two months more at least before the treaty can be here. We ought to have made the treaty of peace with Germany at once. We ought to make the treaty of peace with Germany now.

The argument has been made that unless the League of Nations was attached to the peace with Germany, it would not pass. What a confession of weakness! I believe that the great movement for the world's peace is strong enough to go alone. I believe that it will absolutely stand alone. But when it is saddled on a peace with Germany, interwoven with it, as we have been threatened, is it possible that that great experiment, so eloquently described by President Lowell, is so weak in the popular mind, so weak in Europe, that it must be smuggled in or carried through as a rider on the German treaty? I do not believe it.

Give us the treaty of peace with Germany. Let us chain and fetter, impose the reparations, build up the barrier states, put the monster where it can not spring again, and bring our soldiers home. They have been in Europe fighting the battles of the world —God bless them!—fighting for other nations, fighting for civilization and freedom. No furloughs are theirs. They can not run home in a night, to England or France or Belgium. They have to stay there, the men who have exposed themselves to the fire, who have made the greatest sacrifices, who have done the fighting. They can not come home on a furlough. Some must remain, no doubt, to carry out the terms of peace, but the great mass of

those men can be brought home. And if you tie up the League of Nations with a German peace you make more delays.

#### BELIEVES IN LEAGUE OF PEACE

I believe sufficiently in a League of Peace to secure the future peace of the world. I believe sufficiently in it to think that it will be built up and passed, no matter when it is offered. But I know that it will take time and demand discussion.

You have listened to President Lowell's amendments, to his criticisms of the drafting of the treaty. Surely the Senate might be admitted to the same opportunity. The power to advise has been taken from the Senate. It is now proposed to take from it the power of consent by forcing through one treaty as part of another with which it is not concerned.

I am not speaking about senators. Senators, like Presidents, come and go, but the Senate remains an organic part of the Government. And let me say to you that when the powers, the constitutional functions of one of the great branches of the Government are atrophied, evaded, denied, you have got something to do at home to preserve the Constitution under which you have grown great.

I repeat again, I want a League of Nations that will advance the cause of peace on earth, that will make war as nearly impossible as it can be made. I want to bring about a general disarmament. I know arbitration can do much. I do not wish to put into any league articles which I believe impossible of fulfillment and which I believe nations will readily abrogate. But I am so firm a believer in the strength of the great peace movement that I am not ready to back it by the argument of fear. The United States has not come to where she is through fear. We have known

That in ourselves our safety must be sought;  
That by our own right hands it must be wrought;  
That we must stand unpropped or be laid low.

We are a great moral asset of Christian civilization. We are all that President Lowell has described as a necessity of the

League. How did we get there? By our own efforts. Nobody led us, nobody guided us, nobody controlled us.

#### AMERICAN PEOPLE ANXIOUS TO DO RIGHT

We have just been told that we are not fit to be intrusted with any care of the South American difficulties if such arise, and therefore we must intrust it to some other power. I object to that. I believe the people of the United States are just as humane, just as anxious to do right to others, as any nation in the world. We have cared for three of those states, as I have already stated—San Domingo, Haiti and Nicaragua. In every instance war has been stopped and civilization and peace have progressed.

Of course we can guarantee them. I did not know anybody ever said we could not guarantee the boundaries of another state. We have done it here under the Monroe doctrine, and done it well. The Monroe doctrine was the necessary corollary of Washington's policy. I believe in it because I believe it protects and defends and guards the United States as it has for a hundred years. It does not interfere with Europe, it does not prevent our going to the aid of Europe, but it does preserve peace throughout this hemisphere. There is a longer record of peace here than you can find in some other places. And we are going to hand it over to a majority of other nations—a body where we have one vote. I do not say the time has not come to do it, but I do say, Think well about it. Consider it carefully.

May I venture a parable? A man is called on an errand of mercy. He springs to his feet and rushes out into the darkness. He does not know the way. He has no light. He falls into a trench, breaks his leg, and the errand of mercy remains unperformed.

Another man starts on the same errand of mercy. He knows the road. He knows where he is traveling. He carries a light. He performs the errand of mercy.

### UNDERSTAND ROAD TO BE TRAVELED

I wish to have the American people understand the road they are traveling. I want them to have light, plenty of light—broad daylight; not go through a dark tunnel of umbrageous words with nothing to see except at the end, the dim red light of internationalism.

Let us be careful where we tread. You are asked to exchange the government of Abraham Lincoln, "of the people, for the people, by the people," for a government of, for and by other people. Be sure that the exchange is for the better and not for the worse. When we abandon, if we must abandon—and if the American people think we must abandon we shall abandon the teachings of Washington and Lincoln, let us be sure, as we enter on the road of internationalism, that we do not go too far toward the sinister figures at the other end, of Trotzky and Lenine.

Let us do all in the world we can to secure the peace of the world, but let us in this most momentous time move slowly and take due consideration of our steps. I admit, I confess frankly, that perhaps I speak with some prejudice, but there is one thing of which I have said nothing, of which I must say one single word before I close.

### CAN NOT FORGET AMERICA

I can not forget America. I want my country to go forth; I want her to be a help to humanity, as she has been. I have nothing but the kindest feelings for every race on the face of the earth. I hope peace will reign throughout the world. I wish my country to do everything she can to bring about that blessed consummation. She has never proved wanting yet. She threw her sword into the wavering scales and turned the balance in favor of freedom and civilization against autocracy and barbarism.

I can not but keep her interests in my mind. I do not wish the Republic to take any detriment. I do not want dangers heaped upon us that would only cripple us in the good work we seek to do. I would keep America as she has been—not isolated,

not prevent her from joining other nations for these great purposes—but I wish her to be master of her fate. I am an American—born here, lived here, shall die here. I have never had but one flag, never loved but one flag. I am too old to try to love another, an international flag. I have never had but one allegiance, the allegiance of the United States. Personally, I am too old to divide it now. My first allegiance must stay where it has always been, to the people of the United States, my own people.

#### AMERICA STRONG, TRIUMPHANT AND FREE

I have no doubt that this great country, which has no alliances, which seeks no territory, which desires nothing so much as to keep the peace and save the world from all the horrors it has been enduring—I would have her left in a position to do that work and not submit her to a vote of other nations, with no resource except to break a treaty which she wishes to maintain.

We must not only strive to keep the world at peace, we must try to keep America as she is—I do not mean outside a League, but keep her as she is in her ideals and in her principles.

Therefore, study this question. Think of it. Think of it. Remember that the Senate at least will ultimately carry out the wishes of the American people. They must look at it themselves, they want the people to look at it, and when that is done I have no fear of the verdict.

The verdict of the people, while it will be in favor of doing everything that this mighty nation can for the preservation of the world's peace, will not allow the United States to be put into a position where she will be in any degree injured, weakened or crippled. I wish to see her stand as she always has stood, for the right, for mercy, for the help and benefit of all men, for the oppressed and those who struggle for freedom, all alike. Let her go on in her beneficent career, and I would have her stand as she has always stood, strong, alive, triumphant, free.

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